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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,182	11/15/2000	Shigeyoshi Suzuki	PM 275383	8099

909 7590 10/23/2002  
PILLSBURY WINTHROP, LLP  
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EXAMINER

THORNTON, YVETTE C

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/712,182

Applicant(s)

SUZUKI ET AL.

Examiner

Yvette C. Thornton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/15/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This is written in reference to application number 09/712182 filed on November 15, 2000.

#### *Response to Amendment*

1. The amendments filed on June 24, 2002 and July 26, 2002 have been entered and fully considered.
2. The said amendment is sufficient to overcome the rejection of the claims under 35 USC 112 2<sup>nd</sup> paragraph.
3. Claims 1-16 are currently pending.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Coppens et al. (US 5273858 A). Coppens teaches a method of making a lithographic aluminum offset printing plate comprising the steps of (a) photo-exposing a photosensitive mono-sheet layer assemblage comprising a hydrophilic grained and anodized aluminum foil, an intermediate layer and at least one silver halide emulsion layer; (b) applying an aqueous alkaline solution to the photo-exposed silver halide layer in the presence of at least one developing agent and at least one silver halide solvent to form a silver image and to allow unreduced silver halide to diffuse imagewise from the developed silver halide layer to the said aluminum foil; and (c)

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separating the said emulsion layer and said intermediate layer from the imaged aluminum foil (c. 3, l. 28-52). The said intermediate layer comprises hydrophobic polymer beads prepared by polymerization of at least one ethylenically unsaturated monomer and having an average diameter not lower than 0.2  $\mu\text{m}$ . The taught step (c) can be accomplished by several methods. One of which is by bringing the emulsion layer side of the mono-sheet layer assemblage in contact with a receiving means. The receiving means is applied during the time that the alkaline solution is being applied and removed after the silver image has been formed. The emulsion layer and the intermediate layer are wet with the said alkaline solution and have an adherence to the receiving means that is stronger than that to the imaged aluminum foil. The receiving means along with the said emulsion and intermediate layer is then peeled from the imaged hydrophilic foil (c. 3, l. 55-c. 4, l. 2). Coppens teaches that the silver halide emulsion layer can be any photosensitive silver halide emulsion comprising a hydrophilic colloid binder. Suitable halides include silver chloride, silver bromide, silver chlorobromiodide and the like (c. 15, l. 62-67). The said binder can be gelatin, polyvinyl alcohol, polyvinyl pyrrolidone, polyacrylic acid and derivatives thereof (c. 16, l. 59-68). Example 1 exemplifies a silver halide emulsion layer comprising a cadmium-free gelatin silver chlorobromiodide emulsion layer wherein the silver halide is coated in the amount corresponding to 2.40 g. of silver nitrate/ $\text{m}^2$  and the gelatin (colloid binder) being 1.58/ $\text{m}^2$  (c. 26, l. 29-47). It is the examiner's position that this exemplifies an emulsion layer having 70% or less hydrophilic colloid (i.e., gelatin) based on the silver halide in terms of silver nitrate.

6. Coppens further teaches that use of a supplemental hydrophilic colloid layer which can be coated on top of the silver halide emulsion layer remotest from the said aluminum foil. It is the examiner's position that this supplemental layer constitutes a protective layer. Coppens teaches that the receiving means can be paper or a film base coated with a hardened gelatin layer comprising a matting agent (c. 24, l. 63-c. 25, l. 2). It is the examiner's position that the said gelatin binder meets the limitation of a peeling means, which has a liquid absorption rate at 0.1 seconds that is 60% or more than the said absorption rate at 0.2 seconds. This position is supported by the applicant's own disclosure which teaches that gelatin is a suitable binder for the said peeling means (spec. pg. 19, l. 1-10). Therefore, the examiner is of the position that the said gelatin binder would inherently meet the limitations of instant claim 1. Furthermore, the taught matting agent constitutes a dispersion of fine particles as claimed by the applicant in instant claims 3 and 5.

*Response to Arguments*

7. Applicant's arguments have been fully considered but they are not persuasive. In regard to the prior art teachings of Coppens, applicants argue that the prior art fails to disclose the claimed peeling means. Applicants state that Coppens only discloses a polyethylene-coated paper sheet, which has no characteristic feature as a peeling sheet. The examiner respectfully disagrees. As discussed above, Coppens teaches that the receiving means can be paper or a film base coated with a hardened gelatin layer comprising a matting agent (c. 24, l. 63-c. 25, l. 2). It is the examiner's position that the said gelatin binder meets the limitation of a peeling means, which has a liquid absorption rate at 0.1 seconds that is 60% or more than the said absorption rate at 0.2 seconds. Therefore, the examiner is of the

position that the said gelatin binder would inherently meet the limitations of instant claim 1. The applicant has offered no evidence that the teachings of the prior art do not inherently meet the limitation of the instant claims. Therefore, the rejection is maintained.

8. The examiner hereby withdraws the rejection of the claims over the prior art teachings of DeRycke.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Mayers et al. (US 6403282 B1) which teaches a heat sensitive printing plate precursor.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvette C. Thornton whose telephone number is 703-305-0589. The examiner can normally be reached on Monday-Thursday 8-6:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet C. Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1193.

**\*\*Please note that the examiner has recently changed her name from "Clarke" to "Thornton".\*\***

yct   
October 18, 2002

  
JANET BAXTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700